

# MARRIAGE LICENSES

## Where Do You Get A Marriage License?

A couple who intends to be married in New York State must apply in person for a marriage license to any town or city clerk in the state. The application for a license must be signed both by the bride and groom in the presence of the town or city clerk. A representative cannot apply for the license on behalf of the bride or groom. This applies even if the representative has been given the Power of Attorney.

Notarized marriage license affidavits signed by the bride or groom cannot be substituted for their personal appearance.

## Is There A Waiting Period?

Yes. Although the marriage license is issued immediately, the marriage ceremony may not take place within 24 hours from the exact time that the license was issued.

When both applicants are 16 years of age or older, the 24-hour waiting period may be waived by an order of a Justice of the Supreme Court or a judge of the County Court of the county in which either the bride or groom resides. If either person is under 16 years of age, the order must be from the Family Court judge of the county in which the person under 16 years of age resides.

## How Long Is The License Valid?

A marriage license is valid for 60 days, beginning the day after it is issued.

## How Much Does The License Cost?

If the marriage license is issued by a town or city clerk in New York State outside of New York City, it costs \$40. The fee includes the issuance of a Certificate of Marriage Registration. This certificate is automatically sent by the issuing clerk to the applicants within 15 days after the completed license is returned by the officiate (person who performs the marriage ceremony). Couples who do not receive a Certificate of Marriage Registration within four weeks of the wedding should contact the town clerk who issued the license.

## Proof of Age

A person is required to submit proof of age in the form of a birth certificate, baptismal record, naturalization record or census record.

## Proof of Identity

A person is required to submit proof of identity in the form of a driver's license. DMV issued non-driver's license, passport or employment picture I.D.

## Familial Restrictions

A marriage may not take place in New York State between an ancestor and descendant, a brother and sister (full or half blood), an uncle and niece or an aunt and nephew, regardless of whether or not these persons are legitimate or illegitimate offspring.

## Previous Marriages

Information regarding previous marriages must be furnished in the application for a marriage license. A certified copy of the Decree of Divorce or a Certificate of Dissolution of Marriage is required by the clerk issuing the marriage license. If a spouse is deceased, a Death Certificate must be presented to the Clerk.

## Where Can A Marriage Take Place?

A New York State marriage license may be used within New York State only.

## What About The Ceremony?

There is no particular form or ceremony required except that the parties must state in the presence of an authorized member of the clergy or public official and one or two witnesses that they take each other as husband and wife. One witness must be at least 18 years of age. A second witness must be at least 14 years of age.

## Who Can Perform A Marriage Ceremony?

To be valid, a marriage ceremony must be performed by any of the individuals specified in Section 11 of the New York State Domestic Relations Law. These include:

- The mayor of a city or village
- The former mayor, the city clerk or one of the deputy city clerks of a city of more than one million inhabitants
- A marriage officer appointed by the town or village board or the city common council
- A justice or judge of the following courts: the U.S. Court of Appeals for the Second circuit, the U.S. District Courts for the Northern, Southern, Eastern or Western Districts of New York, the NYS Court of Appeals, the Appellate Division of the NYS Supreme Court, the NYS Supreme Court, the Court of Claims, the Family Court, a Surrogates' Court, the Civil and Criminal Courts of New York City (including Housing Judges of the Civil Court) and other courts of record
- A village, town or county justice
- A member of the clergy or minister who has been officially ordained and granted authority to perform marriage ceremonies from a governing church body in accordance with the rules and regulations of the church body
- A member of the clergy or minister who is not authorized by a governing church body but who has been chosen by a spiritual group to preside over their spiritual affairs
- Other officiates as specified by Section 11 of the Domestic Relations Law.

The person performing the ceremony must be registered with the City of New York in order to perform a ceremony within the New York City limits. The officiant does not have to be a resident of New York State.

Ship captains are not authorized to perform marriage ceremonies in New York State.

## Town Clerk Colleen Freese

P O Box 26, 8469 South Main Street  
Interlaken, New York 14847

## Staff:

Colleen Freese, Town Clerk  
Leslie Adam-Compton, Deputy Town Clerk

## Office Hours:

Tuesday 9:00 - 5:00 Wednesday & Friday 10:00 - 5:00  
Thursday 10:00 AM - 6:00 PM

## Contact:

Telephone (607) 532-8358

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[E-Mail: covertclerk@rochester.ny.us](mailto:covertclerk@rochester.ny.us)

## **Surname Options**

Every person has the right to adopt any name by which he or she wishes to be known simply by using that name consistently and without intent to defraud.

A person's last name (surname) does not automatically change upon marriage, and neither party to the marriage is required to change his or her last name. The bride and groom need not take the same last name.

One or both parties to a marriage may elect to change the surname by which he or she wishes to be known after the marriage by entering the new name in the appropriate space provided on the marriage license. The new name must consist of one of the following options:

- The surname of the other spouse
- Any former surname of either spouse
- A name combining into a single surname all or a segment of the pre-marriage surname or any former surname of each spouse
- A combination name separated by a hyphen provided that each part of such combination surname is the pre-marriage surname, or any former surname, of each of the spouses.

The use of this option will provide a record of your change of name. The marriage certificate, containing the new name, if any, is proof that the use of the new name, or the retention of the former name, is lawful. The local Social Security Administration office should be contacted so that its records and your social security identification card reflect the name change. There is no charge for this service.

## **Where Do You Get Copies of Records?**

For copies of marriage licenses issued anywhere in New York State except New York City, a certified copy of the marriage records may be obtained from the office of the town or city clerk who issued the license, or from the New York State Department of Health. The fee is \$10 if you obtain a certified copy from the town or city clerk who issued the license. If applying to the New State Department of Health, the fee is \$30. For a certified copy, write to: Certification Unit Vital Records Section New York State Department of Health P.O. Box 2602 Albany , New York 12220-2602.